IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND SEVEN

PRESENT

The Hon'ble Sri Justice N.V.Ramana

Writ Petition No.156 of 2002

Between:

Siripalli Narsinga Rao

.....
PETITIONER

AND

The Andhra Pradesh Industrial Infrastructure Corporation Limited, rep. by its Chairman, Hyderabad.

.....RESPONDENT

The Hon'ble Sri Justice N.V.Ramana

Writ Petition No.156 of 2002

Order:

This Writ Petition is filed by the petitioner seeking a writ of Mandamus restraining the respondent from interfering with his possession and enjoyment over the land admeasuring Ac.2.20 cents in Survey No.65/3(old) 84/11A(New) in Gantyada Village, Gajuwaka Mandal, Visakhapatnam District, and to direct the respondent to drop all further proceedings against him.

While admitting the Writ Petition on 03-01-2002, this Court ordered status quo with regard to the possession of the land in question.

Now, a Vacate Stay Petition being WVMP.No.567 of 2003, along with counter-affidavit, seeking to vacate the said order has been filed by the respondent. In paragraph 6 of the counter-affidavit, it is stated as under:

> 'In regard to Para No.4 of the Affidavit, I submit that an extent of Acres 2.20 cents situated in survey No.84/11A of Chinnagantyada Village, Gajuwaka Mandal (in erstwhile Visakhapatnam Taluk), Visakhapatnam District was acquired vide Award No.12/66 dated 19.7.66 of the Special Tahsildar, Land Acquisition unit No.2, Industrial Development Projects, Visakhapatnam & Land Acquisition Officer for the purpose of development of Industrial Development Area and Central Sector Projects. After following the procedure under the L.A.Act., the Award was passed by the Land Acquisition Officer fixing the compensation at Rs.3,640.46 ps. On Page No.4 of the Award it was indicated that the land and tope were under the joint possession and enjoyment of (1) Sirasapalli Atahayyamma w/o Pydanna (2) Sirasapalli Varahalamma w/o Appalanaidu and (3) Sirasapalli Narsinga Rao s/o Appalanaidu, minor represented by mother and guardian No.2. The thatched shed standing on the land however belongs to Kuppili Apparao s/o Sanyasi as stated in Para No.5 (iii) above. Hence the compensation for the land including the tope and other trees standing on it was held to be due jointly to No. (1) and (2) above and the compensation for the shed to Kuppili Apparao. Number (2) has requested that the compensation

jointly due to her and Number (1) should be paid to No.(1). Hence, amount of compensation was paid as follows :-

a) Sirasapalli Atchayyamma … Rs.3,559.96 ps.
W/o Pydanna

b) Sirasapalli Apparao ... Rs. 80.50 ps.
S/o Sanyasi

Therefore, the land in question was acquired by Government under due process of Law duly paying the compensation to the pattedars and the land was taken possession by the Land Acquisition Officer under the provisions of L.A.Act. Thereupon the land vested with Government absolutely free from all encumbrances and was utilized for public purpose. As such the contention of the petitioner that he has been in possession of the property and enjoyment since the date of purchase are false.'

In view of the statement made by the respondent in the counter-affidavit that the land in question was already acquired under the Land Acquisition Act, an award was passed to that effect and the amount of compensation was also paid, nothing remains for adjudication in this Writ Petition.

However, at this stage, the learned Counsel appearing for the petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to file an application under Section 18 of the Land Acquisition Act before a competent Court.

In view of the same, this Writ Petition is dismissed as withdrawn, granting liberty to the petitioner to move appropriate application before a competent Court for enhancement of

compensation. No costs.

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N.V. RAMANA, J.

Date: 28th November, 2007.

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